

SHURDATUL SHARIA PRESENTS

DIFFERENCE OF OPINIONS IN ISLAM

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In Allah's name, the most merciful the most beneficent...

One of the biggest issues we face today that really contributes in creating confusion among the Muslims, are those people who hold on to their opinions regarding something specific without consulting or considering the 'Ulama (Scholars). In many cases there can be differences between one Scholar to another or even more scholars for that matter regarding something abstract or something specific, which unfortunately many Muslims neglect.

Today you will meet many people with many different opinions and therefore I feel its necessary for me to clarify this issue because it is unfortunately a reality and we must deal with it. For this reason I have decided to write a few pages where I will bring forth important points that are especially neglected by many young Muslims, that is because they lack in knowledge regarding importing Islamic scriptures and principals.

The language is an important factor; many of these youngsters do not speak Arabic. This can be a problem especially when the texts from the Qur'an and the Hadith have to be read. These texts are often translated and read in languages like English where the translation is not always accurate enough. Another issue is when a person who has no knowledge in Islamic education for instance, interprets the texts through personal thoughts and opinions. For these reasons it is a must to refer back to the main scriptures that are in the language of Arabic.

Any individual knows the nature of Islamic knowledge and knows that the texts must be studied in Arabic first and then translated afterwards into another language. This way, one does not lie about Allah or his prophet Muhammad (pbuh) because the texts are studied in its original form, even if you make a minor mistake in your translation

Allah (swt) said in Surah Shuura verse 10:

وَمَا أَخْتَلَفْتُمْ فِيهِ مِنْ شَيْءٍ فَحُكْمُهُ إِلَى اللَّهِ

“And whatever you disagree about – its ruling is [to be referred] to Allah”

And Allah (swt) said also in Surah Nisa verse 59:

يَأَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولَئِكُمْ أَنْكَرُ مِنْكُمْ فَإِنْ تَنَزَّلُنَّمُ فِي شَيْءٍ فَرْدُوْهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ
الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

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“O you who have believed, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger, if you should believe in Allah and the Last Day. That is the best [way] and best in result.”

And Allah (swt) said in Surah Ale Imran, verse 103:

وَأَعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا

“And hold firmly to the rope of Allah all together and do not become divided”

I have made this book and its content easy and basic so that everyone can use it and understand it. It will help in understanding the topic of “Differences of opinion” based on the Sharia and not based on lusts and desires of people.

General principles regarding disagreements in Islam;
There are three important principles that do not contain any doubt nor do they contain wrong aspects. Those three are:

- 1) Quran
- 2) Sunnah
- 3) Consensus of the Sahaba (the companions of the prophet)

These three principles are protected by Allah, which means that no one can alter them or change the clear signs and evidences from Allahs book, from the Prophets traditions and from that which the Islamic Ummah (nation) has established consensus about. For this reason there is no way to harm these three aspects of the deen (religion) in any way.

But if one comes across unspecific proofs from the Quran or the Sunnah, then you have to weight this proof clearly, due to the saying of Allah (swt) in Surah Ale Imran verse 7;

هُوَ الَّذِي أَنْزَلَ عَلَيْكَ الْكِتَابَ مِنْهُ إِنَّكَ مُحَمَّدٌ هُنَّ أُمَّ الْكِتَابِ
وَآخَرُ مُتَشَبِّهِنَّ فَإِمَّا الَّذِينَ فِي قُلُوبِهِمْ زَيْغٌ فَيَتَبَعُونَ مَا شَبَّهَهُ مِنْهُ
أَبْتِغَاءَ الْفِتْنَةِ وَأَبْتِغَاءَ تَأْوِيلِهِ وَمَا يَعْلَمُ تَأْوِيلُهُ إِلَّا اللَّهُ وَالرَّاسِخُونَ
فِي الْعِلْمِ يَقُولُونَ إِنَّا بِهِ مُعْتَدِلُونَ كُلُّ مَنْ عِنْدِ رَبِّنَا وَمَا يَذَّكِرُ إِلَّا أَوْلُوا
الْأَلْبَابِ

“It is He who has sent down to you, [O Muhammad], the Book; in it are verses [that are] precise - they are the foundation of the Book - and others unspecific. As for those in whose hearts is deviation [from truth], they will follow that of it which is unspecific, seeking discord and seeking an interpretation [suitable to them]. And no one knows its [true] interpretation except Allah . But those firm in knowledge say,

"We believe in it. All [of it] is from our Lord." And no one will be reminded except those of understanding."

If the Muslims end up in disagreement regarding Islamic subjects then they must all together refer the dispute back to the Quran, Sunnah and the consensus of the Sahaba (companions of the prophet).

Allah (swt) said as mentioned in Surah Nisa verse 59;

يَأَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولَئِكُمْ أَمْرٌ مِّنْكُمْ فَإِنْ تَنَزَّلُمُ فِي شَيْءٍ فَرْدُوْهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ
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"O you who have believed, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger, if you should believe in Allah and the Last Day. That is the best [way] and best in result."

To refuse subjects from 'Aqidah (Islamic doctrine), leads to kufr (apostasy) It is not allowed to disagree with anything that has been clearly established in Islam. When we say, clearly established, then we talk about consensus of the Muslims without any doubt.

Among the known subject are fx.;

- 1) To believe in Allah, to believe in the Angels, to believe in the books Allah sent down, to believe in the prophets, to believe in the day of Judgment and to believe in the decree of Allah – both the good and the bad
- 2) To believe and accept the Quran that the Sahaba (companions of the prophet) have brought to us in its entirety without change or confusion
- 3) The five daily prayers, the fasting of Ramadan, the payment of Zakah and the performance of Hajj (pilgrimage) are all obligations that must be studied and applied

4) The things known and established to be Haram are many in number, for example to fornicate, to consume usury (interest), to consume intoxicants. As mentioned, it is invalid to create dispute regarding topics that are clearly known and established, and opposing them can lead to kufr (apostasy).

Disagreement can be permissible regarding debated issues if the Scholars acknowledge the interpretation.

There are topics that both the Prophet's companions and those after them had disagreements about. Opposing one of the opinions does not lead to kufr (apostasy) nor is it a sin or an innovation. Rather it is allowed for someone ignorant regarding the issue to follow any opinion from the Scholars if one feels comfortable unless it goes against a clear Hadith. But it is not allowed for such a person to engage in discussions regarding such issues (if he is ignorant), due to him being a Muqallid (a follower). When you don't have enough knowledge to judge or illustrate whether ones decision is right or wrong, then it is not right for such a person to know whether one is following the right decision. It is here that many ignorant people fall into sins due to their desire of discussing Islamic subjects even though they are ignorant regarding them. The scholars have taught us that it is not permissible for a Muqallid to spread the knowledge he have made Taqleed (complete imitation/following) upon on to other people, due to the knowledge being limited to him and not others.

When one has established knowledge in Arabic and Usool Al-Fiqh, only then it is appropriate for one to judge between disputed issues, otherwise one must be a Muqallid or a follower of an opinion, until you gain the rank in regards to knowledge. If one has the required means then there is nothing wrong in it for that person to judge between disputed issues and show the proofs and account for one's opinion. This happened to Sahaba when they disagreed regarding whether the Prophet (pbuh) saw his lord with his eyes or not during the Night Journey, regarding whether to read Surah Fatiha after Imam in prayer or not, regarding reciting the Basmallah loudly before reading Surah Fatiha or not, regarding whether to pray the prayers fully during trips or not ect.

These types of disputes can occur between scholars today without a doubt when we have disputes that occurred between the Sahaba and those after them.

We have to remember that the truth is one, and there are never two truths like many believe. No one has the right to search for knowledge that befits their desires and interests, but one only searches after the truth. If the proof indicates something to be haram and the Scholars disagree regarding its interpretation, then it is best to follow the Hadith in its exterior form like the Salaf did in order to avoid errors in their actions.

Disagreements can be beneficial in some cases for the Muslims: Scholars taught us that Allah (swt) has blessed this Islamic Ummah (Nation) due to disagreements (difference of opinion). These disagreements that can occur among scholars pave the way for Ijtihad that can be good for the Ummah. We have learned from the prophet that if a Mujtahid makes a mistake in his actions then he will actually get rewarded. But if he gets his ruling correctly then he gets two rewards, this is only for the Mujtahid that strove hard to come to a Hukm (ruling). Allah swt, said in Surah Baqarah verse 286;

رَبَّنَا لَا تُؤَاخِذنَا إِن سَيِّنَّا أَوْ أَخْطَأْنَا فَأَنْرَبَّنَا وَلَا تَحْمِلْنَا
عَلَيْنَا إِصْرًا كَمَا حَمَلْتَهُ عَلَى الَّذِينَ مِنْ قَبْلِنَا رَبَّنَا وَلَا تُحَمِّلْنَا
مَا لَا طَاقَةَ لَنَا بِهِ وَأَعْفُ عَنَّا وَأَغْفِرْ لَنَا وَأَرْحَمْنَا أَنْتَ مَوْلَانَا
فَانْصُرْنَا عَلَى الْقَوْمِ الْكَافِرِينَ

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“Our Lord, do not impose blame upon us if we have forgotten or erred. Our Lord, and lay not upon us a burden like that which You laid upon those before us. Our Lord, and burden us not with that which we have no ability to bear. And pardon us; and forgive us; and have mercy upon us. You are our protector, so give us victory over the disbelieving people.”

When this verse was sent down and the Sahaba (companions of the prophet) recited it, the prophet received revelation from Allah that their Du'a was accepted. When one chooses a Scholar that is reliable and honest regarding

Allah's deen (religion), then it is a blessing from Allah when you take knowledge from him. It is allowed to take knowledge from such a person without worrying unless the words of this scholar go against a clear Hadith. Many scholars advice us to take their Fatawa (rulings) and respect those who oppose them in opinion without creating Fitnah. It is referred to these books if a wider explanation of the subject is needed. These books can cover some aspects without one has to worry about accepting a fatawa.

(الفتاوى - جامع بيان العلم وأفضله) Jamee3 bayaan al ilm wa fadlih 2/80 + 4/80 og 30/79).

It is obligatory to follow whatever has been established to be true: The disputes that occurred among the Sahaba and those after them have shown us that the texts go against some of what they had claimed, this does not mean we have hatred for them or label them innovators or sinners. A Muslim has to show respect to these people due to their rank and one should not ever forget that these people strove very hard to establish whatever conclusion they came to. Everyone can make mistakes as humans and if all the texts had been clear to them, they would have established a different ruling. It should also be added that the opinions of the Scholars in various areas where the proof can be hidden from us, in such areas we must rely fully on the scholars and assume that they had proof for what they had established in ruling.

Reasons for excusing Scholars and students of knowledge:

One can be excused for many various reasons, for example if the texts were not clear to all people but only for some or if the texts were brought in incorrect form. We have learned this from the Sahaba where some was affirmed and other was denied, as many people know from the criteria's of Hadith. We should also consider which Usool (fundamental) every Scholar founded his ruling upon. We all know the hadith where the Prophet (pbuh) said to the Sahaba: "None of you pray the prayer of 'Asr until you reach Bani Qoraitha". Some of the Sahaba were scared to miss the 'Asr prayer and the rest understood it as that they had to pray 'Asr once they reached the destination. Some prayed the 'Asr prayer on the way there whereas others prayed it in the city even though the Maghreb prayer had been reached. The prophet (pbuh) did not criticize any of them for their

misunderstanding, rather he spoke to them with respect since they had to understand the words as that they had to reach the destination in time. This is an example of how the texts depend on how one interprets them and understands them. This does not mean one has the right to interpret it the way he wants and through his desires and lusts. If the Ummah (nation) has agreed to something being Haram, one can't simply say; "I understand it this way.." – this will be denied immediately.

Reasons for not excusing scholars and students of knowledge:

Those with Islamic knowledge will always refer the texts back to Quran and Sunnah. When one has to make a ruling regarding a topic or answer a question, then the issue must not be dealt with through logic or desire – everything has to be referred back to the sources of Quran and Sunnah. If one's Islam is based upon logic or desires, then Islam will reach towards some philosophical pathway. Although it is allowed to use one's logic in some cases since Allah encourages us to do so, it still has to be in line with the Quran and Sunnah.

We all know the evil plans of the Shayateen that they try to deceive people with. One has to be careful not to pass rulings just to please people or rulers, let us not forget what Allah (swt) said in Surah Baqarah verse 213:

كَانَ النَّاسُ أُمَّةً وَاحِدَةً فَبَعَثَ اللَّهُ النَّبِيِّنَ مُبَشِّرِينَ وَمُنذِرِينَ
 وَأَنْزَلَ مَعَهُمُ الْكِتَابَ بِالْحَقِّ لِيَحُكُمُ بَيْنَ النَّاسِ فِيمَا اخْتَلَفُوا فِيهِ
 وَمَا اخْتَلَفَ فِيهِ إِلَّا الَّذِينَ أُوتُواهُ مِنْ بَعْدِ مَا جَاءَهُمُ الْبَيِّنَاتُ بَعْيَانًا
 بَيْنَهُمْ فَهَدَى اللَّهُ الَّذِينَ أَمْنَوْا لِمَا اخْتَلَفُوا فِيهِ مِنَ الْحَقِّ بِإِذْنِهِ
 وَاللَّهُ يَهْدِي مَنْ يَشَاءُ إِلَى صِرَاطٍ مُسْتَقِيمٍ



"Mankind was [of] one religion [before their deviation]; then Allah sent the prophets as bringers of good tidings and warners and sent down with them the Scripture in truth to judge between the people concerning that in which they

differed. And none differed over the Scripture except those who were given it - after the clear proofs came to them - out of jealous animosity among themselves. And Allah guided those who believed to the truth concerning that over which they had differed, by His permission. And Allah guides whom He wills to a straight path."

If one disagrees then one has to follow the acceptable criteria and research the issue specifically:

It is important to investigate what the opposite opinion is based upon and what the foundation of the opinion is, then the sources have to be made clear, for instance whoever has spoken about the issue and where the statement can be found, whether it is through audio or text ect. One investigates the issue to ensure that everything is put forth clearly and evidently.

Allah swt. Said in Surah Hujarat verse 6:

يَتَأَيَّهَا الَّذِينَ ءَامَنُوا إِنْ جَاءَ كُمْ فَاسِقٌ بِنَبِيٍّ فَتَبَيَّنُوا أَنْ تُصِيبُوا قَوْمًا
بِجَهَنَّمَةِ فَتُصْبِحُوا عَلَىٰ مَا فَعَلْتُمْ نَدِيمِينَ

"O you who have believed, if there comes to you a disobedient one with information, investigate, lest you harm a people out of ignorance and become, over what you have done, regretful."

It is also important to know who it is one has the sources from and whoever brought the statements due to the saying of Allah (swt) in Surah Isra verse 36:

وَلَا نَقْفُ مَا لَيْسَ لَكَ بِهِ عِلْمٌ إِنَّ السَّمْعَ وَالْبَصَرَ وَالْفُؤَادَ كُلُّ
أُولَئِكَ كَانَ عَنْهُ مَسْؤُلًا

"And do not pursue that of which you have no knowledge. Indeed, the hearing, the sight and the heart - about all those [one] will be questioned."

I want to strongly advice the people that they study and give time to the main-sources or ask for help if one does not know the Arabic language before they pick up translations of these sources, lest they end up with translations with many flaws.

It is important to accurately clarify where the disagreement or dispute lays and the context in which it derived, whether it is in language, or in Usool Al-Fiqh – whether it is founded upon something besides the clear texts. Regardless of where this dispute lays, everything must be made clear and put forth so that understanding can be built and the dispute is easier solved and the discussion is straightforward.

It is also important for every person that they purify their intention, and make sure they do the things for Allah's sake and not others. It is not allowed to judge people through what is hidden, such as the intention of a person. Only Allah knows what is within the hearts of the people. Although judging through what one can see, read and hear, this is completely permissible.

And Allah knows best...